

PROPOSAL TO PROTECT INTELLIGENCE SOURCES AND METHODS

In most cases, existing law is ineffective in preventing disclosures of information relating to Intelligence Sources and Methods. Except in cases involving communications intelligence, no criminal action ordinarily lies unless the information is furnished to a representative of a foreign power or the disclosure is made with intent to harm the United States or aid a foreign power.

On 18 February 1976, the President proposed to the Congress legislation to protect intelligence sources and methods. The proposed legislation would define the various types of intelligence sources and methods to be protected and would impose a criminal penalty of five years and/or \$5,000 fine on a person who had been entrusted with the information and who had knowingly disclosed it to an unauthorized person. The provision is specifically limited to those Federal employees, former employees, or others having a privity of relationship with the information disclosed. It would not apply to outside third parties, such as the press, to whom unauthorized disclosure has been made.

The proposal was introduced by Representative McClory during the 94th Congress as H.R. 12006. It was referred to the House Armed Services Committee, but no action was taken on it. The Agency submitted a report to the Committee on 30 April 1976 requesting that favorable consideration be given the proposed legislation. While there was no companion legislation introduced in the Senate during the 94th Congress, the sources and methods package was brought to the attention of the Senate Select Committee on Intelligence, and the Charters and Guidelines Subcommittee has been urged to consider it for introduction early in the 95th Congress. In addition, in this year's proposed legislative program for the DCI, IC Staff, and CIA which was submitted to OMB, it was recommended that sources and methods legislation be included in the President's legislative program for 1977.

ROUTING AND RECORD SHEET

Executive Register

76-4116/1

SUBJECT: (Optional)

FROM: Legislative Counsel
7D49 HQ

EXTENSION

NO.

3 December 1976

STATOTHR

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

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Attached is a revised statement on the status of the sources and methods legislation, which you requested, including a description of the bill's purpose. As you know, this legislation was originally submitted to OMB for its clearance on 23 April 1975. A period of active negotiation and discussion took place between the Agency and the Department of Justice on the legislation from that time until its submission to the Congress.

George L. Cary
Legislative Counsel

STATINTL

OLC